


CERTIFICATION OF COUNSEL FOR LEXMARK

Pursuant to Rule 7.1.1 of the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, I hereby certify that counsel for Defendant Lexmark International, Inc. has made a reasonable effort to reach agreement with opposing attorneys on the matters set forth in the motion, and has been unable to reach such agreement.

Dated: May 10, 2005


Thomas G. Whalen Jr.

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